

SAHARA MARKHAM, CLERK
RECEIVED
CLERK'S REPOSITORY

2011 AUG 15 PM 5:01

BY: Ivy Rios

LAW OFFICE OF GREGORY T. PARZYCH

Gregory T. Parzych, Bar ID. 014588
2340 West Ray Road, Suite 1
Chandler, Arizona 85224
Telephone (480) 831-0200
Attorney for the Defendant
gparzlaw@aol.com

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
INA AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA

Plaintiff,

vs.

STEVEN CARROLL DEMOCKER

Defendant.

No. P1300CR201001325

REPLY TO RESPONSE TO REQUEST
FOR DEPOSITION OF MIKE SECHEZ
(Oral Argument Requested)

COMES NOW THE DEFENDANT, by and through his attorney undersigned, and respectfully Replies to the Response to Request for Deposition of Mike Sechez.

Defense intends to interview State's listed witness Mike Sechez and ask his opinion as to how DNA of a person whose autopsy was performed prior to the victim's autopsy ended up under the victim's fingernails. The state's position is that the question calls for speculation. However, a pretrial interview is not the same as a trial examination. The Rules of Evidence do not apply to pretrial interviews. The defense is entitled to question potential state witnesses as to their observations, thoughts, ideas, theories and follow up with additional questions.

Clearly DNA found under the victim's fingernails is a topic that can and should be covered in a pretrial interview. The state's witnesses' belief as to how that occurred is important to the defense. The defense has a right to know not only the state's witnesses' thoughts, but also the basis of those thoughts – i.e. what facts were relied upon, who else was consulted, etc. Whether the same questions may be admissible under the Rules of

1 Evidence at trial can be determined at trial, or in a pretrial Motion In Limine. As such, the
2 defense requests this Court to order the witness to answer questions regarding the DNA
3 irrespective of any potential trial evidentiary issues.


4

5 Respectfully submitted this 15 day of August, 2011.

6

7

By


Gregory T. Parzych

8

9 Original of the foregoing pleading
10 filed this 15 day
of August, 2011, to:

11 Clerk of Court
Yavapai County Superior Court
12 120 South Cortez St.
Prescott, Arizona 86303


13 Copy of the foregoing pleading
14 mailed this 15 day
of August, 2011, to:

15 The Honorable Warren R. Darrow
Jeffrey Paupore, Steve Young, Office of the Yavapai County Attorney
16 Craig Williams
17

18

19

By


Gregory T. Parzych

20

21

22

23

24

25

26

27

28